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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DANIEL P. SCHROCK, etc.,)	
)	
Plaintiff,)	
)	
v.)	No. 04 C 6927
)	
LEARNING CURVE INTERNATIONAL, INC.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

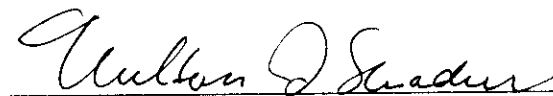
During the previously-scheduled January 25, 2005 status hearing in this action, this Court spent a portion of the time in explaining to counsel for defendants Learning Curve International, Inc. and RC2 Brands, Inc. some basic violations of federal pleading principles disclosed by their Answer and Affirmative Defenses ("ADs"), filed the preceding day. Indeed, this Court identified the nature of the problems posed by the Answer and ADs in detail and also directed counsel's attention to the Appendix to this Court's opinion in State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001), which dealt with the same subjects. And because the matters this Court identified orally were readily curable, leave was granted to file an appropriate Amended Answer on or before February 15.

That new response has just been timely filed, but most of the paragraphs in the original Answer that were at odds with this Court's careful oral explanation and with App. ¶1 to State Farm have astonishingly repeated the selfsame errors (see Answer ¶¶2,

5 through 8, 10, 15, 17 through 21, 23 through 25, 30, 31, 45 through 49, 58 and 60 through 62). Defense counsel have, however, eliminated the problems that this Court had identified as to the original ADs.

This Court is loath to cause further damage to the environment by requiring the felling of even more trees for the preparation and filing of still another Amended Answer and ADs, but it would be even more loath to pursue the other alternative of deeming admitted all of the Complaint's allegations that defense counsel have sought to disclaim in an improper fashion. Accordingly, leave is granted to file such a replacement pleading on or before February 25, 2005.

Under the circumstances, however, no charge is to be made to Learning Curve International, Inc. or RC2 Brands, Inc. by their counsel for the added work and expense incurred in drafting either the just-filed amended pleading or the replacement referred to in the preceding paragraph. Counsel for those defendants are ordered to apprise their clients to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).



Milton I. Shadur
Senior United States District Judge

Date: February 17, 2005